

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, *ex rel.*  
SCOTT ROSE, et al.

Plaintiff(s),

No. C 09-5966 PJH

v.

**ORDER DENYING MOTION TO  
DISMISS**

STEPHENS INSTITUTE,

Defendant(s).

Defendant Stephens Institute's motion to dismiss came on for hearing before this court on June 27, 2012. Plaintiff-relators Scott Rose, Mary Aquino, Mitchell Nelson, and Lucy Stearns ("plaintiffs") appeared through their counsel, Stephen R. Jaffe and Martha A. Boersch. Defendant Stephens Institute ("defendant") appeared through its counsel, Steven M. Gombos and Leland B. Altschuler. Having read the papers filed in conjunction with the motion and carefully considered the arguments and the relevant legal authority, and good cause appearing, the court hereby DENIES defendant's motion to dismiss plaintiffs' second amended complaint, as the complaint sufficiently states a claim under Rule 12(b)(6) and meets the particularity requirements of Rule 9(b).

In support of its motion to dismiss, defendant concurrently filed a request for judicial notice. Because the court does find that judicial notice is appropriate here, defendant's request is hereby GRANTED.

**IT IS SO ORDERED.**

Dated: June 28, 2012

  
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PHYLLIS J. HAMILTON  
United States District Judge